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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,629	02/22/2002	Naoki Morita	020028	7771

23850 7590 10/17/2003

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP  
1725 K STREET, NW  
SUITE 1000  
WASHINGTON, DC 20006

EXAMINER

FRANK, ELLIOT L

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 10/17/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

10/049,629

Applicant(s)

MORITA ET AL.

Examiner

Elliot L Frank

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

- ✓ 1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

- ✓ 2. The abstract of the disclosure is objected to because it includes both drawing item numbers and legal phraseology. The abstract should be a narrative summary of the invention, 50-150 words in length. The purported merits of the invention should be omitted. Correction is required. See MPEP § 608.01(b).
3. The disclosure is objected to because of the following informalities:
- ✓ a. Page 12 – “Brief Description of the Drawings” – The description of Figure 8 should be corrected to indicate figures 8A and 8B present in the application.
  - ✓ b. Page 13 – “Brief Description of the Drawings” – The description of Figure 12 should be corrected to indicate figures 12A-12G present in the application.
  - c. Page 20, line 23 – The word “cases” should be corrected to “case”.

✓ Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 rejected under 35 U.S.C. 103(a) as being unpatentable over Salvo et al. (USPN 6,496,751 B1) in view of Poth (USPN 6,445,959 B1).

The limitations of the aforementioned claims, and the applicable citations in Salvo et al., are as follows:

1. An NC machining assisting system characterized in that: a plurality of NC machine tools (column 2, line 47-column 3, line 24) [each including NC program generating means and NC program improving and updating means are connected to a central manager via a network]; actual machining performance information is supplied to the central manager from the respective NC machine tools (column 11, line 52-column 12, line 39); the central manager generates a database on the basis of the collected actual machining performance information and stores the database therein (column 15, lines 36-56); and the NC machine tools are each permitted to retrieve information necessary for machining from the database (column 13, lines 6-18).

Claim 2 includes the same functional requirements as claim 1 with the additional limitation of the performance information being available to an apparatus "other than

the NC machine tools". Salvo et al. reads on this requirement at column 14, lines 11-37.

3. An NC machining assisting system as set forth in claim 1 or 2, further characterized in that the actual machining performance information includes at least one of workpiece information, tool information, cutting condition information, jig information, machine specification information, machining history information, machine operation history information, tool use history information and jig use history information (generally recited at column 8, lines 17-29 with a specific recitation of product quality at column 11, line 52-column 12, line 11).

While Salvo et al. describes a production monitoring and control system generally applicable to a variety of manufacturing tools (column 2, line 66-column 3, line 24) with a process updating and enhancing means (column 2, lines 47-65), it does not specifically recite the connection of a program generating means to the manufacturing control system.

Poth, analogous to Salvo et al. in that they are both manufacturing machine control systems (Poth, column 1, lines 4-10), makes obvious this requirement wherein it demonstrates that a network connected program generating means for a numerical control system was well known in the art at the time the invention was made. (Poth, column 1, lines 35-63).

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the

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various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

USPN 6,317,643 B1 – Dmochowski – Database system

USPN 6,502,007 B1 – Kanamoto et al. – NC control system

USPN 6,560,498 B1 – Shin et al. – Database system

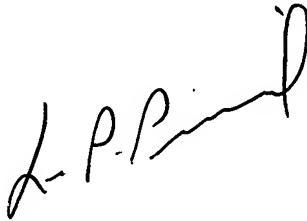
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elliot L Frank whose telephone number is (703) 305-5442. The examiner can normally be reached on M-F 7-4:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

ELF, October 7, 2003

A handwritten signature in black ink, appearing to read 'L. Picard', written in a cursive style.

**LEO PICARD**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**